

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-15, 17-19, 21-23, and 25-34 are presently active in this case. Claims 16, 20, and 24 were previously canceled without prejudice or disclaimer. Claims 1, 3-5, 6, 8, 9, 11, 13, 14, 15, 18, 19, 22, 23, 25, 28, and 29-34 having been amended by way of the present Amendment. Care has been taken such that no new matter has been entered by the amendments set forth herein, see, for example, page 29, lines 7-16.

In the outstanding Official Action, Claims 1-15, 17-19, 21-23, and 25-34 were rejected under 35 U.S.C. 103(a) as being anticipated by Shoda et al. (U.S. Patent No. 7,096,268, Shoda) in view of the software program “abcde.” For the reasons discussed below, the Applicants request the withdrawal of the obviousness rejection.

In the Office Action, Shoda is relied on as the primary reference and “abcde” read me as the secondary reference to some how teach ripping only a subset of tracks and display information about this subset. This assertion is not seen to be a reasonable interpretation of the teachings and suggestions of “abcde” read me. Furthermore, the “abcde” printout and Shoda clearly lack any teaching or suggestion of the associated selection boxes now claimed that must also be displayed, much less the claimed mark removal.

Applicants note that a claim is only rendered *prima facie* obvious if each and every element as set forth in the claims is found, either expressly or inherently described, in the references relied upon, which is not the case here.

In addition, the reliance on Shoda remains improper for the reasons fully set forth in

the last response.

For example, the outstanding Action refers to the discussions in column 8, lines 23-55, for the determination regarding whether a track was previously recorded on the storage unit of the apparatus or not, and column 9, lines 23-50, for the control of display of information regarding whether or not a track was previously recorded.

As noted in the last response, the discussions in columns 8 and 9 referred to in the outstanding Action are concerned with content that has already been stored on the apparatus (1) in internal data storage unit (15), or is automatically downloaded based on the instruction (30). The user is not prompted by a display as to whether content was not previously recorded. Instead, Shoda merely describes downloading content based upon an instruction from a user (no indication is given as to how the content is searched for or selected), and the only items that are described in Shoda as being displayed are items that have already been stored in the apparatus (1). Note, for example, that each item displayed in Figure 7 and discussed in the charts of Figures 8-10 indicates the rights associated with that content (i.e. whether or not playback is available, or whether or not check-out is available). Further note that Shoda teaches the downloading of those rights (namely, billing information 43 that includes use condition, price, and decryption key for each content as stated in column 6, lines 26-28) *at the same time the content itself is downloaded*. (See Figure 3a and corresponding discussion.) The depictions in Figure 7 all include information from copyright management table (16), which is described as storing “copyright management information for each content that is stored in the internal data storage unit 15.” (Column 7, lines 51-57.) No display is provided for content that was not previously recorded, in which case there would be no icons

66-71 next to the title.

Thus, it is once again submitted that this portion of Shoda does not disclose a display control unit for controlling display of information on the display regarding a track that was not previously recorded, wherein the display control unit initially indicates the track that was not previously recorded as being selected for recording, as recited in Claim 1, for example. Applicants also again submit that this portion of Shoda does not disclose a display control step for controlling display of information on a display of the apparatus regarding a track that was not previously recorded to the apparatus, wherein the track that was not previously recorded is initially indicated as being selected for recording, as recited in Claim 3, for example. Applicants further submit that this portion of Shoda also does not disclose code for a display control step for controlling display of information on a display of the apparatus regarding a track that was not previously recorded to the apparatus, wherein the track that was not previously recorded is initially indicated as being selected for recording, as recited in Claim 4, for example.

Furthermore, Shoda describes a second embodiment that includes displays such as those depicted in Figures 13a, 13b, 14a, and 14b. Applicants again submit that this embodiment also does not teach or suggest the above-noted features of the independent claims.

With respect to Figure 13a and 13b, Applicants again note that this display is a display screen (72) of the data processing apparatus (2). The sub-screen (73) indicates contents stored in the data processing apparatus (2) and sub-screen (74) indicates contents in the external storage medium (7). (Column 11, lines 52-54.) However, the *display screen*

(72) of the apparatus (2) does not indicate a track that was not previously recorded on the apparatus as being selected for recording, in the manners recited in the independent claims. Note that AAAAA and BBBB are stored on the apparatus (2), as is evident from the icons indicating various rights (or lack thereof) associated with each content. Further, note that PPPP and QQQQ are not stored on the apparatus (2), and yet are not indicated as being selected for recording to the apparatus (2). In fact, Figures 14a and 14b depict a situation in which PPPP and QQQQ are prevented from being transferred to the apparatus (2), since the content did not originate from the apparatus, which is clearly contrary to the present invention.

Thus, Applicants submit that Shoda combined in any proper manner with “abcde” fails to teach all of the limitations of all the independent claims of the present application. Accordingly, Applicants respectfully request the withdrawal of the rejection of these independent claims over Shoda taken with “abcde.”

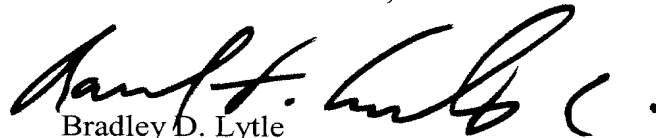
The dependent claims are considered allowable for the reasons advanced for the respective independent claim from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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